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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/714,343 | 11/14/2003 | James M. Lipton | 54275.8016.US01 | 4070 |
| <div>7590 08/21/2007</div> <div>Joseph Hamilton 7049 Owensmouth Ave. Suite 112 Canoga Park, CA 91303</div> <div>EXAMINER RUSSEL, JEFFREY E</div> <div>ART UNIT PAPER NUMBER</div> <div>1654</div> <div>MAIL DATE DELIVERY MODE</div> <div>08/21/2007 PAPER</div> | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/714,343

Examiner

Jeffrey E. Russel

Applicant(s)

LIPTON, JAMES M.

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 13 August 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other See attachment.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See attachment.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

1. The amendments to the specification filed August 13, 2007 do not properly mark the changes to be made to the amended paragraphs, because Applicant has overlooked the amendments made to these paragraphs in the preliminary amendment filed February 21, 2006. Please note section 1 of the Office action mailed February 13, 2007, which states how the two preliminary amendments in this application are being handled.

The amendment filed August 13, 2007 did not respond to the objection under 35 U.S.C. 132 with respect to paragraphs [0035] (see the preliminary amendment filed February 21, 2006) and [0065] (see the preliminary amendment filed November 15, 2006).

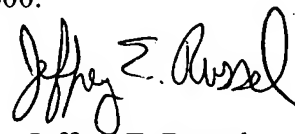
2. With respect to the objection set forth in section 4 of the Office action mailed February 13, 2007, paragraph [0057] containing a sequence not identified with a SEQ ID NO is found in the preliminary amendment filed February 21, 2006.

3. The amendment to the claims filed August 13, 2007 does not properly list the claims pending in this application. The amendment lists claim 13 as a pending claim; however, claim 13 was canceled in the preliminary amendment filed February 21, 2006. Further, changes to the claims are not accurately marked with respect to the immediate prior version of the claims, i.e. the version of the claims present in the preliminary amendment filed February 21, 2006.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (571) 272-0969. The examiner can normally be reached on Monday-Thursday from 8:00 A.M. to 5:30 P.M. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Cecilia Tsang can be reached at (571) 272-0562. The fax number for formal communications to be entered into the record is (571) 273-8300; for informal communications such as proposed amendments, the fax number (571) 273-0969 can be used. The telephone number for the Technology Center 1600 receptionist is (571) 272-1600.

A handwritten signature in black ink, appearing to read "Jeffrey E. Russel". The signature is fluid and cursive, with the first name "Jeffrey" being more prominent.

Jeffrey E. Russel

Primary Patent Examiner

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JRussel

August 17, 2007